

Message Text

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ORIGIN COME-00

INFO OCT-01 CIAE-00 DODE-00 EB-07 NSAE-00 TRSE-00 EUR-12

ERDA-05 ISO-00 EA-06 NEA-09 /040 R

DRAFTED BY COM/OEA:CGSEASWORD:BDEROW:ERS

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RPE

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R 212016Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY BONN

INFO USMISSION OECD PARIS

C O N F I D E N T I A L STATE 091073

EXCON

E.O. 11652: XGDS-1

TAGS: ESTC, COCOM, GW, US

SUBJECT: EXPORTS REQUIRING US REEXPORT AUTHORIZATION

REFS: A) BONN 5021

B) STATE 65253

1) EMBASSY MAY INFORM DUECHTING (PARA 2 OF REF A) THAT COCOM MEMBERS ARE FREE TO MAINTAIN AND ENFORCE THEIR OWN NATIONAL LICENSING CONTROLS OUTSIDE THE FRAMEWORK OF THE COCOM MECHANISM. IF SUCH CONTROLS EXCEED THOSE OF COCOM, IT IS A MATTER OF NATIONAL DISCRETION. THE US LEVEL OF UNILATERAL CONTROL IS ROOTED IN US LAW WHICH REQUIRES USG AUTHORIZATION FOR THE EXPORT OR REEXPORT TO ANY DESTINATION OF US-ORIGIN COMMODITIES, COMMODITIES INCORPORATING US COMPONENTS, OR COMMODITIES MADE FROM US-ORIGIN TECHNOLOGY WHICH ARE SUBJECT TO COCOM EMBARGO.

2) THE US RECOGNIZES THAT AT TIMES ITS REQUIREMENT TO ABIDE
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BY DOMESTIC LEGISLATION IN THE MATTER OF US INPUTS IN TRANSACTIONS SUBMITTED BY OTHER COCOM MEMBERS MAY APPEAR AS EXERCISING A VETO OVER THAT TRANSACTION. THIS IS NOT THE US INTENTION; RATHER IT IS THE RESULT OF ITS DOMESTIC

REQUIREMENT THAT US INPUTS REEXPORTED TO PROSCRIBED COUNTRIES NEED A US VALIDATED REEXPORT LICENSE.

3) THE MATTER OF US REEXPORT CONTROLS IS WELL KNOWN TO OTHER COCOM MEMBERS AND HAS BEEN DISCUSSED IN THE COCOM FORUM. IT WAS, FOR EXAMPLE, REFERRED TO AS RECENTLY AS THE MAY 1973 MEETING OF THE SUB-COMMITTEE ON EXPORT CONTROLS (COCOM DOC SUB-C CONTRA (73)1, PARA 177(V)).

4) AS FOR DUECHTING'S COMMENTS RE INVOKING US REEXPORT AUTHORIZATION AFTER SEVERAL OF THESE BASF DRIVES HAVE BEEN EXPORTED, EMBASSY MAY NOTE THE POINT IS THEY REQUIRE US AUTHORIZATION, NOT HOW MANY HAVE GONE BEFORE WITHOUT THAT AUTHORIZATION. KISSINGER

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Message Attributes

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Control Number: n/a
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Draft Date: 21 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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